

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 33

SENATE BILL 1621

AN ACT

AMENDING SECTION 5-396, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-119.05; AMENDING SECTION 12-267, ARIZONA REVISED STATUTES; REPEALING SECTION 12-270, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-701, 22-117, 28-1383 AND 28-8288, ARIZONA REVISED STATUTES; AMENDING TITLE 31, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 31-133; AMENDING SECTIONS 31-201.01, 31-230 AND 41-191.09, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-797; AMENDING SECTIONS 41-1604, 41-1604.02 AND 41-1604.03, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1610.02; AMENDING SECTIONS 41-1624, 41-1723 AND 41-1724, ARIZONA REVISED STATUTES; AMENDING LAWS 2007, CHAPTER 261, SECTION 16, AS AMENDED BY LAWS 2009, THIRD SPECIAL SESSION, CHAPTER 6, SECTION 21 AND LAWS 2010, SEVENTH SPECIAL SESSION, CHAPTER 6, SECTION 24; MAKING APPROPRIATIONS; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-396, Arizona Revised Statutes, is amended to
3 read:

4 5-396. Aggravated operating or actual physical control of
5 motorized watercraft while under the influence of
6 intoxicating liquor or drugs; classification

7 A. A person is guilty of aggravated operating or actual physical
8 control of a motorized watercraft that is underway while under the influence
9 of intoxicating liquor or drugs if the person does any of the following:

10 1. Within a period of eighty-four months commits a third or subsequent
11 violation of section 5-395 or 5-397 or this section or is convicted of a
12 violation of section 5-395 or 5-397 or this section and has previously been
13 convicted of any combination of convictions of section 5-395 or 5-397 or this
14 section or acts committed in another jurisdiction that if committed in this
15 state would be a violation of section 5-395 or 5-397 or this section.

16 2. While a person under fifteen years of age is aboard the motorized
17 watercraft, commits any of the following:

18 (a) A first violation of section 5-395, if the person recklessly
19 endangers the person who is under fifteen years of age with a substantial
20 risk of physical injury.

21 (b) A second violation of section 5-395 within a period of eighty-four
22 months.

23 (c) A violation of section 5-397.

24 B. The dates of the commission of the offenses are the determining
25 factor in applying the eighty-four month provision provided in subsection A,
26 paragraph 1 or paragraph 2, subdivision (b) of this section regardless of the
27 sequence in which the offenses were committed. For THE purposes of this
28 section, a third or subsequent violation for which a conviction occurs does
29 not include a conviction for an offense arising out of the same series of
30 acts. The time that a probationer is found to be on absconder status or the
31 time that a person is incarcerated in any state, federal, county or city jail
32 or correctional facility is excluded when determining the eighty-four month
33 period provided in subsection A, paragraph 1, subsection A, paragraph 2,
34 subdivision (b) and subsection D of this section.

35 C. A person who is convicted under subsection A, paragraph 1 of this
36 section and who within an eighty-four month period has been convicted of two
37 prior violations of section 5-395 or 5-397 or this section, or acts committed
38 in another jurisdiction that if committed in this state would be a violation
39 of section 5-395 or 5-397 or this section, is not eligible for probation,
40 pardon, commutation or suspension of sentence or release on any other basis
41 until the person has served not less than four months in ~~prison~~ JAIL, UNLESS
42 THE SHERIFF OF THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO
43 REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS
44 PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED
45 TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

1 D. A person who is convicted under subsection A, paragraph 1 of this
2 section and who within an eighty-four month period has been convicted of
3 three or more prior violations of section 5-395 or 5-397 or this section, or
4 acts committed in another jurisdiction that if committed in this state would
5 be a violation of section 5-395 or 5-397 or this section, is not eligible for
6 probation, pardon, commutation or suspension of sentence or release on any
7 other basis until the person has served not less than eight months in ~~prison~~
8 JAIL, UNLESS THE SHERIFF OF THE SENTENCING COUNTY HAS ENTERED INTO AN
9 AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE
10 INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON
11 SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

12 E. A person who is convicted under subsection A, paragraph 2,
13 subdivision (a) or (b) of this section shall serve at least the minimum term
14 of incarceration required pursuant to section 5-395.01.

15 F. A person who is convicted under subsection A, paragraph 2,
16 subdivision (c) of this section shall serve at least the minimum term of
17 incarceration required pursuant to section 5-397.

18 G. A person who is convicted of a violation of this section and who is
19 placed on probation shall attend and complete alcohol or drug screening,
20 counseling and education from an approved facility and, if ordered by the
21 court, treatment from an approved facility. If the person fails to comply
22 with this subsection, in addition to section 13-901 the court may order that
23 the person be incarcerated as a term of probation as follows:

24 1. For a person sentenced pursuant to subsection C of this section,
25 for an individual period of not more than four months and a total period of
26 not more than one year.

27 2. For a person sentenced pursuant to subsection D of this section,
28 for an individual period of not more than eight months and a total period of
29 not more than two years.

30 H. The time that a person spends in custody pursuant to subsection G
31 of this section shall not be counted toward the sentence imposed if the
32 person's probation is revoked and the person is sentenced to prison following
33 revocation of probation.

34 I. On conviction for a violation of this section, the court:

35 1. Shall order the person to pay a fine of not less than seven hundred
36 fifty dollars.

37 2. In addition to any other penalty prescribed by law, shall order the
38 person to pay an additional assessment of two hundred fifty dollars. If the
39 conviction occurred in the superior court or a justice court, the court shall
40 transmit the assessed monies to the county treasurer. If the conviction
41 occurred in a municipal court, the court shall transmit the assessed monies
42 to the city treasurer. The city or county treasurer shall transmit the
43 monies received to the state treasurer. The state treasurer shall deposit
44 the monies received in the driving under the influence abatement fund
45 established by section 28-1304. Any fine imposed for a violation of this

1 section and any assessments, restitution and incarceration costs shall be
2 paid before the assessment prescribed in this paragraph.

3 3. In addition to any other penalty prescribed by law, shall order the
4 person to pay an additional assessment of one thousand five hundred dollars
5 to be deposited by the state treasurer in the prison construction and
6 operations fund established by section 41-1651. This assessment is not
7 subject to any surcharge. If the conviction occurred in the superior court
8 or a justice court, the court shall transmit the assessed monies to the
9 county treasurer. If the conviction occurred in a municipal court, the court
10 shall transmit the assessed monies to the city treasurer. The city or county
11 treasurer shall transmit the monies received to the state treasurer.

12 4. In addition to any other penalty prescribed by law, shall order the
13 person to pay an additional assessment of one thousand five hundred dollars
14 to be deposited by the state treasurer in the public safety equipment fund
15 established by section 41-1723. This assessment is not subject to any
16 surcharge. If the conviction occurred in the superior court or a justice
17 court, the court shall transmit the assessed monies to the county treasurer.
18 If the conviction occurred in a municipal court, the court shall transmit the
19 assessed monies to the city treasurer. The city or county treasurer shall
20 transmit the monies received to the state treasurer.

21 J. Aggravated operating or actual physical control of a motorized
22 watercraft that is underway while under the influence of an intoxicating
23 liquor or drugs committed under:

24 1. Subsection A, paragraph 1 of this section is a class 4 felony.

25 2. Subsection A, paragraph 2 of this section is a class 6 felony.

26 Sec. 2. Title 12, chapter 1, article 1, Arizona Revised Statutes, is
27 amended by adding section 12-119.05, to read:

28 12-119.05. Post of duty; supreme court justice

29 THE DESIGNATED POST OF DUTY OF A JUSTICE OF THE SUPREME COURT WHO
30 RESIDES OUTSIDE OF MARICOPA COUNTY SHALL BE DEEMED TO BE THE JUSTICE'S PLACE
31 OF PERMANENT PHYSICAL RESIDENCE AT THE TIME OF THE JUSTICE'S APPOINTMENT.

32 Sec. 3. Section 12-267, Arizona Revised Statutes, is amended to read:

33 12-267. Adult probation services fund; accounts; expenditure
34 plan; use

35 A. The board of supervisors shall designate a chief fiscal officer who
36 shall establish and administer an adult probation services fund consisting
37 of:

38 1. County general fund appropriations for adult probation.

39 2. State appropriations for adult probation including:

40 (a) Monies for adult probation officers authorized by article 6 of
41 this chapter.

42 (b) Monies for state aid for adult probation services authorized by
43 this article.

44 (c) Monies for adult community punishment programs established
45 pursuant to article 11 of this chapter.

1 (d) Monies for adult intensive probation pursuant to title 13,
2 chapter 9.

3 ~~(e) Monies received pursuant to section 12-270 that each county shall~~
4 ~~use for the following:~~

5 ~~(i) Increasing the availability of substance abuse treatment programs~~
6 ~~for probationers.~~

7 ~~(ii) Increasing the availability of risk reduction programs and~~
8 ~~interventions for probationers.~~

9 ~~(iii) Grants to nonprofit victim services organizations to partner~~
10 ~~with the probation department and the court to assist victims and increase~~
11 ~~the amount of restitution collected from probationers.~~

12 3. Probation fees collected pursuant to section 13-901 and section
13 13-902, subsection G.

14 4. Federal monies provided for adult probation.

15 5. Adult probation monies from any other source.

16 B. The chief fiscal officer shall establish and maintain separate
17 accounts in the fund showing receipts and expenditures of monies from each
18 source listed in subsection A of this section. The presiding judge of the
19 superior court shall annually present to the board of supervisors for
20 approval a detailed expenditure plan for the adult probation services fund
21 accounts. Any modifications to the expenditure plan affecting state
22 appropriations shall be made in accordance with the rules and procedures
23 established by the supreme court. Any modifications to the expenditure plan
24 affecting county appropriated funds shall be made in accordance with the
25 policies established by the county. The chief fiscal officer shall disburse
26 monies from the fund accounts only at the direction of the presiding judge of
27 the superior court. The chief fiscal officer of each county, on or before
28 August 31 of each year for the preceding fiscal year, shall submit an annual
29 report to the supreme court showing the total amount of receipts and
30 expenditures in each account of the adult probation services fund.

31 C. The state monies in the adult probation services fund, and
32 probation fees collected pursuant to section 13-901 and section 13-902,
33 subsection G, shall be used in accordance with guidelines established by the
34 supreme court or the granting authority.

35 D. State monies expended from the adult probation services fund shall
36 be used to supplement, not supplant, county appropriations for the superior
37 court adult probation department.

38 E. Monies in the adult probation services fund shall be used to pay
39 the annual assessment on member states of the interstate compact for the
40 supervision of adult offenders established in section 31-467, article X,
41 subsection B.

42 F. County monies in the adult probation services fund shall be used in
43 accordance with the fiscal policies and procedures established by the board
44 of supervisors.

1 G. The administrative office of the courts shall periodically charge
2 each local probation fees account an amount established annually by the
3 supreme court to cover a proportional share of the cost of monitoring devices
4 required pursuant to section 13-902, subsection G consistent with guidelines
5 established to implement section 13-902, subsection G.

6 H. The administrative office of the courts shall charge annually the
7 local probation fees account of each county an amount that is established
8 annually by the administrative office of the courts to reflect each county's
9 portion of the superior court risk management premium that is allocated to
10 the judiciary.

11 Sec. 4. Repeal

12 Section 12-270, Arizona Revised Statutes, is repealed.

13 Sec. 5. Section 13-701, Arizona Revised Statutes, is amended to read:

14 13-701. Sentence of imprisonment for felony; presentence
15 report; aggravating and mitigating factors;
16 consecutive terms of imprisonment; definition

17 A. A sentence of imprisonment for a felony shall be a definite term of
18 years and the person sentenced, unless otherwise provided by law OR
19 SUBSECTION J OF THIS SECTION APPLIES, shall be committed to the custody of
20 the state department of corrections.

21 B. No prisoner may be transferred to the custody of the state
22 department of corrections without a certified copy of the judgment and
23 sentence, signed by the sentencing judge, and a copy of a recent presentence
24 investigation report unless the court has waived preparation of the report.

25 C. The minimum or maximum term imposed pursuant to section 13-702,
26 13-703, 13-704, 13-705, 13-708, 13-710, 13-1406, 13-3212 or 13-3419 may be
27 imposed only if one or more of the circumstances alleged to be in aggravation
28 of the crime are found to be true by the trier of fact beyond a reasonable
29 doubt or are admitted by the defendant, except that an alleged aggravating
30 circumstance under subsection D, paragraph 11 of this section shall be found
31 to be true by the court, or in mitigation of the crime are found to be true
32 by the court, on any evidence or information introduced or submitted to the
33 court or the trier of fact before sentencing or any evidence presented at
34 trial, and factual findings and reasons in support of such findings are set
35 forth on the record at the time of sentencing.

36 D. For the purpose of determining the sentence pursuant to subsection
37 C of this section, the trier of fact shall determine and the court shall
38 consider the following aggravating circumstances, except that the court shall
39 determine an aggravating circumstance under paragraph 11 of this subsection:

40 1. Infliction or threatened infliction of serious physical injury,
41 except if this circumstance is an essential element of the offense of
42 conviction or has been utilized to enhance the range of punishment under
43 section 13-704.

44 2. Use, threatened use or possession of a deadly weapon or dangerous
45 instrument during the commission of the crime, except if this circumstance is

1 an essential element of the offense of conviction or has been utilized to
2 enhance the range of punishment under section 13-704.

3 3. If the offense involves the taking of or damage to property, the
4 value of the property taken or damaged.

5 4. Presence of an accomplice.

6 5. Especially heinous, cruel or depraved manner in which the offense
7 was committed.

8 6. The defendant committed the offense as consideration for the
9 receipt, or in the expectation of the receipt, of anything of pecuniary
10 value.

11 7. The defendant procured the commission of the offense by payment, or
12 promise of payment, of anything of pecuniary value.

13 8. At the time of the commission of the offense, the defendant was a
14 public servant and the offense involved conduct directly related to the
15 defendant's office or employment.

16 9. The victim or, if the victim has died as a result of the conduct of
17 the defendant, the victim's immediate family suffered physical, emotional or
18 financial harm.

19 10. During the course of the commission of the offense, the death of an
20 unborn child at any stage of its development occurred.

21 11. The defendant was previously convicted of a felony within the ten
22 years immediately preceding the date of the offense. A conviction outside
23 the jurisdiction of this state for an offense that if committed in this state
24 would be punishable as a felony is a felony conviction for the purposes of
25 this paragraph.

26 12. The defendant was wearing body armor as defined in section 13-3116.

27 13. The victim of the offense is at least sixty-five years of age or is
28 a disabled person as defined in section 38-492, subsection B.

29 14. The defendant was appointed pursuant to title 14 as a fiduciary and
30 the offense involved conduct directly related to the defendant's duties to
31 the victim as fiduciary.

32 15. Evidence that the defendant committed the crime out of malice
33 toward a victim because of the victim's identity in a group listed in section
34 41-1750, subsection A, paragraph 3 or because of the defendant's perception
35 of the victim's identity in a group listed in section 41-1750, subsection A,
36 paragraph 3.

37 16. The defendant was convicted of a violation of section 13-1102,
38 section 13-1103, section 13-1104, subsection A, paragraph 3 or section
39 13-1204, subsection A, paragraph 1 or 2 arising from an act that was
40 committed while driving a motor vehicle and the defendant's alcohol
41 concentration at the time of committing the offense was 0.15 or more. For
42 the purposes of this paragraph, "alcohol concentration" has the same meaning
43 prescribed in section 28-101.

44 17. Lying in wait for the victim or ambushing the victim during the
45 commission of any felony.

1 18. The offense was committed in the presence of a child and any of the
2 circumstances exists that are set forth in section 13-3601, subsection A.

3 19. The offense was committed in retaliation for a victim either
4 reporting criminal activity or being involved in an organization, other than
5 a law enforcement agency, that is established for the purpose of reporting or
6 preventing criminal activity.

7 20. The defendant was impersonating a peace officer as defined in
8 section 1-215.

9 21. The defendant was in violation of 8 United States Code section
10 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.

11 22. The defendant used a remote stun gun or an authorized remote stun
12 gun in the commission of the offense. For the purposes of this paragraph:

13 (a) "Authorized remote stun gun" means a remote stun gun that has all
14 of the following:

15 (i) An electrical discharge that is less than one hundred thousand
16 volts and less than nine joules of energy per pulse.

17 (ii) A serial or identification number on all projectiles that are
18 discharged from the remote stun gun.

19 (iii) An identification and tracking system that, on deployment of
20 remote electrodes, disperses coded material that is traceable to the
21 purchaser through records that are kept by the manufacturer on all remote
22 stun guns and all individual cartridges sold.

23 (iv) A training program that is offered by the manufacturer.

24 (b) "Remote stun gun" means an electronic device that emits an
25 electrical charge and that is designed and primarily employed to incapacitate
26 a person or animal either through contact with electrodes on the device
27 itself or remotely through wired probes that are attached to the device or
28 through a spark, plasma, ionization or other conductive means emitting from
29 the device.

30 23. During or immediately following the commission of the offense, the
31 defendant committed a violation of section 28-661, 28-662 or 28-663.

32 24. Any other factor that the state alleges is relevant to the
33 defendant's character or background or to the nature or circumstances of the
34 crime.

35 E. For the purpose of determining the sentence pursuant to subsection
36 C of this section, the court shall consider the following mitigating
37 circumstances:

38 1. The age of the defendant.

39 2. The defendant's capacity to appreciate the wrongfulness of the
40 defendant's conduct or to conform the defendant's conduct to the requirements
41 of law was significantly impaired, but not so impaired as to constitute a
42 defense to prosecution.

43 3. The defendant was under unusual or substantial duress, although not
44 to a degree that would constitute a defense to prosecution.

1 4. The degree of the defendant's participation in the crime was minor,
2 although not so minor as to constitute a defense to prosecution.

3 5. During or immediately following the commission of the offense, the
4 defendant complied with all duties imposed under sections 28-661, 28-662 and
5 28-663.

6 6. Any other factor that is relevant to the defendant's character or
7 background or to the nature or circumstances of the crime and that the court
8 finds to be mitigating.

9 F. If the trier of fact finds at least one aggravating circumstance,
10 the trial court may find by a preponderance of the evidence additional
11 aggravating circumstances. In determining what sentence to impose, the court
12 shall take into account the amount of aggravating circumstances and whether
13 the amount of mitigating circumstances is sufficiently substantial to justify
14 the lesser term. If the trier of fact finds aggravating circumstances and
15 the court does not find any mitigating circumstances, the court shall impose
16 an aggravated sentence.

17 G. The court in imposing a sentence shall consider the evidence and
18 opinions presented by the victim or the victim's immediate family at any
19 aggravation or mitigation proceeding or in the presentence report.

20 H. This section does not affect any provision of law that imposes the
21 death penalty, that expressly provides for imprisonment for life or that
22 authorizes or restricts the granting of probation and suspending the
23 execution of sentence.

24 I. The intentional failure by the court to impose the mandatory
25 sentences or probation conditions provided in this title is malfeasance.

26 J. IF A PERSON IS SENTENCED TO SERVE ONE YEAR OR LESS IN THE STATE
27 DEPARTMENT OF CORRECTIONS, THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF
28 THE COUNTY JAIL, UNLESS THE SHERIFF OF THE SENTENCING COUNTY HAS ENTERED INTO
29 AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE
30 INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON
31 SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS. A
32 PERSON WHO IS SENTENCED TO A CONCURRENT TERM OF INCARCERATION FOR MORE THAN
33 ONE YEAR SHALL BE INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS.

34 ~~J.~~ K. For the purposes of this section, "trier of fact" means a jury,
35 unless the defendant and the state waive a jury in which case the trier of
36 fact means the court.

37 Sec. 6. Section 22-117, Arizona Revised Statutes, is amended to read:

38 22-117. Payment of compensation and expenses

39 A. Justices of the peace shall be allowed by the board of supervisors,
40 as a county charge, office rent, stationery, telephone and lights.

41 B. In a county with a population of less than one million five hundred
42 thousand persons, the state shall pay ~~forty~~ 19.25 per cent of the
43 compensation and employee related expenditures of a justice of the peace, and
44 the county shall pay ~~sixty~~ 80.75 per cent of the compensation and employee
45 related expenditures of a justice of the peace, except that the county shall

1 pay the full amount of the employer contribution of the state retirement
2 system or plan or any county health plan.

3 C. If a county is subject to subsection B of this section, the state
4 treasurer shall remit the compensation and employee related expenditures
5 payable by the state to the county treasurer, and the county shall disburse
6 the funds to the justice of the peace.

7 D. In a county with a population of one million five hundred thousand
8 persons or more, the county shall pay one hundred per cent of the
9 compensation and employee related expenditures of a justice of the peace.

10 E. If a county is subject to subsection D of this section, the
11 following apply:

12 1. Beginning in fiscal year 2007-2008, the county's contribution to
13 the hospitalization and medical care of the indigent sick and for the
14 administrative costs of implementing sections 36-2901.01 and 36-2901.04 shall
15 be reduced pursuant to section 11-292, subsection R, in an amount that is
16 equal to the difference between the total costs that the county paid pursuant
17 to subsection D of this section and the amount that the county would have
18 paid if the county were subject to subsection B of this section.

19 2. Pursuant to section 41-563, subsection D and beginning in fiscal
20 year 2007-2008, the economic estimates commission shall increase the county's
21 base expenditure limit in an amount that is equal to the difference between
22 the total costs that the county paid pursuant TO subsection D of this section
23 and the amount that the county would have paid if the county were subject to
24 subsection B of this section.

25 Sec. 7. Section 28-1383, Arizona Revised Statutes, is amended to read:

26 28-1383. Aggravated driving or actual physical control while
27 under the influence; violation; classification;
28 definition

29 A. A person is guilty of aggravated driving or actual physical control
30 while under the influence of intoxicating liquor or drugs if the person does
31 any of the following:

32 1. Commits a violation of section 28-1381, section 28-1382 or this
33 section while the person's driver license or privilege to drive is suspended,
34 canceled, revoked or refused or while a restriction is placed on the person's
35 driver license or privilege to drive as a result of violating section 28-1381
36 or 28-1382 or under section 28-1385.

37 2. Within a period of eighty-four months commits a third or subsequent
38 violation of section 28-1381, section 28-1382 or this section or is convicted
39 of a violation of section 28-1381, section 28-1382 or this section and has
40 previously been convicted of any combination of convictions of section
41 28-1381, section 28-1382 or this section or acts in another jurisdiction that
42 if committed in this state would be a violation of section 28-1381, section
43 28-1382 or this section.

44 3. While a person under fifteen years of age is in the vehicle,
45 commits a violation of either:

1 (a) Section 28-1381.

2 (b) Section 28-1382.

3 4. While the person is ordered by the court or required pursuant to
4 section 28-3319 by the department to equip any motor vehicle the person
5 operates with a certified ignition interlock device, does either of the
6 following:

7 (a) While under arrest refuses to submit to any test chosen by a law
8 enforcement officer pursuant to section 28-1321, subsection A.

9 (b) Commits a violation of section 28-1381, section 28-1382 or this
10 section.

11 B. The dates of the commission of the offenses are the determining
12 factor in applying the eighty-four month provision provided in subsection A,
13 paragraph 2 of this section regardless of the sequence in which the offenses
14 were committed. For the purposes of this section, a third or subsequent
15 violation for which a conviction occurs does not include a conviction for an
16 offense arising out of the same series of acts. The time that a probationer
17 is found to be on absconder status or the time that a person is incarcerated
18 in any state, federal, county or city jail or correctional facility is
19 excluded when determining the eighty-four month period provided in subsection
20 A, paragraph 2 and subsection E of this section.

21 C. The notice to a person of the suspension, cancellation, revocation
22 or refusal of a driver license or privilege to drive is effective as provided
23 in section 28-3318 or pursuant to the laws of the state issuing the license.

24 D. A person is not eligible for probation, pardon, commutation or
25 suspension of sentence or release on any other basis until the person has
26 served not less than four months in ~~prison~~ JAIL, UNLESS THE SHERIFF OF THE
27 SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE
28 DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION
29 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE
30 STATE DEPARTMENT OF CORRECTIONS, if the person is convicted under either of
31 the following:

32 1. Subsection A, paragraph 1 of this section.

33 2. Subsection A, paragraph 2 of this section and within an eighty-four
34 month period has been convicted of two prior violations of section 28-1381,
35 section 28-1382 or this section, or any combination of those sections, or
36 acts in another jurisdiction that if committed in this state would be a
37 violation of section 28-1381, section 28-1382 or this section.

38 E. A person who is convicted under subsection A, paragraph 2 of this
39 section and who within an eighty-four month period has been convicted of
40 three or more prior violations of section 28-1381, section 28-1382 or this
41 section, or any combination of those sections, or acts in another
42 jurisdiction that if committed in this state would be a violation of section
43 28-1381, section 28-1382 or this section is not eligible for probation,
44 pardon, commutation or suspension of sentence or release on any other basis
45 until the person has served not less than eight months in ~~prison~~ JAIL, UNLESS

1 THE SHERIFF OF THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO
2 REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS
3 PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED
4 TO THE CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

5 F. A person who is convicted under subsection A, paragraph 3,
6 subdivision (a) of this section shall serve at least the minimum term of
7 incarceration required pursuant to section 28-1381.

8 G. A person who is convicted under subsection A, paragraph 3,
9 subdivision (b) of this section shall serve at least the minimum term of
10 incarceration required pursuant to section 28-1382.

11 H. A person who is convicted of a violation of this section shall
12 attend and complete alcohol or other drug screening, education or treatment
13 from an approved facility. If the person fails to comply with this
14 subsection and is placed on probation, in addition to the provisions of
15 section 13-901 the court may order that the person be incarcerated as a term
16 of probation as follows:

17 1. For a person sentenced pursuant to subsection D of this section,
18 for an individual period of not more than four months and a total period of
19 not more than one year.

20 2. For a person sentenced pursuant to subsection E of this section,
21 for an individual period of not more than eight months and a total period of
22 not more than two years.

23 I. The time that a person spends in custody pursuant to subsection H
24 of this section shall not be counted towards the sentence imposed if the
25 person's probation is revoked and the person is sentenced to prison after
26 revocation of probation.

27 J. On a conviction for a violation of this section, the court:

28 1. Shall report the conviction to the department. On receipt of the
29 report, the department shall revoke the driving privilege of the person. The
30 department shall not issue the person a new driver license within three years
31 of the date of the conviction and, for a conviction of a violation of
32 subsection A, paragraph 1, 2 or 4 or paragraph 3, subdivision (b) of this
33 section, shall require the person to equip any motor vehicle the person
34 operates with a certified ignition interlock device pursuant to section
35 28-3319. In addition, the court may order the person to equip any motor
36 vehicle the person operates with a certified ignition interlock device for
37 more than twelve months beginning on the date of reinstatement of the
38 person's driving privilege following a suspension or revocation or on the
39 date of the department's receipt of the report of conviction, whichever
40 occurs later. The person who operates a motor vehicle with a certified
41 ignition interlock device under this paragraph shall comply with article 5 of
42 this chapter.

43 2. In addition to any other penalty prescribed by law, shall order the
44 person to pay an additional assessment of two hundred fifty dollars. If the
45 conviction occurred in the superior court or a justice court, the court shall

1 transmit the monies received pursuant to this paragraph to the county
2 treasurer. If the conviction occurred in a municipal court, the court shall
3 transmit the monies received pursuant to this paragraph to the city
4 treasurer. The city or county treasurer shall transmit the monies received
5 to the state treasurer. The state treasurer shall deposit the monies
6 received in the driving under the influence abatement fund established by
7 section 28-1304. Any fine imposed for a violation of this section and any
8 assessments, restitution and incarceration costs shall be paid before the
9 assessment prescribed in this paragraph.

10 3. Shall order the person to pay a fine of not less than seven hundred
11 fifty dollars.

12 4. In addition to any other penalty prescribed by law, shall order the
13 person to pay an additional assessment of one thousand five hundred dollars
14 to be deposited by the state treasurer in the prison construction and
15 operations fund established by section 41-1651. This assessment is not
16 subject to any surcharge. If the conviction occurred in the superior court
17 or a justice court, the court shall transmit the assessed monies to the
18 county treasurer. If the conviction occurred in a municipal court, the court
19 shall transmit the assessed monies to the city treasurer. The city or county
20 treasurer shall transmit the monies received to the state treasurer.

21 5. In addition to any other penalty prescribed by law, shall order the
22 person to pay an additional assessment of one thousand five hundred dollars
23 to be deposited by the state treasurer in the public safety equipment fund
24 established by section 41-1723. This assessment is not subject to any
25 surcharge. If the conviction occurred in the superior court or a justice
26 court, the court shall transmit the assessed monies to the county treasurer.
27 If the conviction occurred in a municipal court, the court shall transmit the
28 assessed monies to the city treasurer. The city or county treasurer shall
29 transmit the monies received to the state treasurer.

30 K. After completing the period of suspension required by section
31 28-1385, a person whose driving privilege is revoked for a violation of
32 subsection A, paragraph 3 of this section may apply to the department for a
33 special ignition interlock restricted driver license pursuant to section
34 28-1401.

35 L. Aggravated driving or actual physical control while under the
36 influence of intoxicating liquor or drugs committed under:

37 1. Subsection A, paragraph 1 or 2 or paragraph 4, subdivision (b) of
38 this section is a class 4 felony.

39 2. Subsection A, paragraph 3 or paragraph 4, subdivision (a) of this
40 section is a class 6 felony.

41 M. For the purposes of this section, "suspension, cancellation,
42 revocation or refusal" means any suspension, cancellation, revocation or
43 refusal.

1 Sec. 8. Section 28-8288, Arizona Revised Statutes, is amended to read:
2 28-8288. Third or subsequent offense

3 A. If a person is convicted of a third or subsequent violation of
4 section 28-8282 or is convicted of a violation of section 28-8282 and has
5 previously been convicted of any combination of convictions of section
6 28-8282 or acts committed in another state that if committed in this state
7 would be a violation of section 28-8282 within a period of sixty months:

8 1. The person is guilty of a class 5 felony.

9 2. The person is not eligible for probation, pardon, suspension of
10 sentence or release on any basis except as specifically authorized by section
11 31-233, subsection A or B until the person has served not less than six
12 months in ~~prison~~ JAIL, UNLESS THE SHERIFF OF THE SENTENCING COUNTY HAS
13 ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS
14 FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE
15 PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF
16 CORRECTIONS.

17 3. The court shall not suspend the imposition of a prison sentence.

18 4. If in the court's opinion the person has the problem of habitual
19 abuse of alcohol or drugs, the court shall require the person to obtain
20 treatment under its supervision.

21 5. In addition to any other penalty prescribed by law, the person
22 shall pay an additional assessment of one thousand five hundred dollars to be
23 deposited by the state treasurer in the prison construction and operations
24 fund established by section 41-1651. This assessment is not subject to any
25 surcharge. If the conviction occurred in the superior court or a justice
26 court, the court shall transmit the assessed monies to the county treasurer.
27 If the conviction occurred in a municipal court, the court shall transmit the
28 assessed monies to the city treasurer. The city or county treasurer shall
29 transmit the monies received to the state treasurer.

30 6. In addition to any other penalty prescribed by law, the person
31 shall pay an additional assessment of one thousand five hundred dollars to be
32 deposited by the state treasurer in the public safety equipment fund
33 established by section 41-1723. This assessment is not subject to any
34 surcharge. If the conviction occurred in the superior court or a justice
35 court, the court shall transmit the assessed monies to the county treasurer.
36 If the conviction occurred in a municipal court, the court shall transmit the
37 assessed monies to the city treasurer. The city or county treasurer shall
38 transmit the monies received to the state treasurer.

39 B. The dates of the commission of the offense are the determining
40 factor in applying this section.

41 C. A third or subsequent violation for which a conviction occurs as
42 provided in this section shall not include a conviction for an offense
43 arising out of the same series of acts.

1 Sec. 9. Title 31, chapter 1, article 2, Arizona Revised Statutes, is
2 amended by adding section 31-133, to read:

3 31-133. Receiving and keeping state prisoners

4 THE SHERIFF SHALL RECEIVE AND KEEP IN THE COUNTY JAIL ANY PRISONER WHO
5 IS SENTENCED ON OR AFTER JULY 1, 2012 TO SERVE A TERM OF IMPRISONMENT IN THE
6 STATE DEPARTMENT OF CORRECTIONS FOR ONE YEAR OR LESS, UNLESS THE SHERIFF HAS
7 ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE DEPARTMENT OF CORRECTIONS
8 FOR THE INCARCERATION COSTS PURSUANT TO SECTION 41-1610.02, IN WHICH CASE THE
9 PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF
10 CORRECTIONS.

11 Sec. 10. Section 31-201.01, Arizona Revised Statutes, is amended to
12 read:

13 31-201.01. Duties of the director; tort actions; medical
14 treatment costs; state immunity; definitions

15 A. The director shall hold in custody all persons sentenced to the
16 department under the law and shall hold such persons for the term directed by
17 the court, subject to law, EXCEPT THAT BEGINNING JULY 1, 2012, IF THE PERSON
18 IS SENTENCED TO ONE YEAR OR LESS IN THE STATE DEPARTMENT OF CORRECTIONS, THE
19 PERSON SHALL BE PLACED IN THE CUSTODY OF A COUNTY JAIL, UNLESS THE SHERIFF OF
20 THE SENTENCING COUNTY HAS ENTERED INTO AN AGREEMENT TO REIMBURSE THE STATE
21 DEPARTMENT OF CORRECTIONS FOR THE INCARCERATION COSTS PURSUANT TO SECTION
22 41-1610.02, IN WHICH CASE THE PERSON SHALL BE COMMITTED TO THE CUSTODY OF THE
23 STATE DEPARTMENT OF CORRECTIONS.

24 B. In addition to the medical and health services to be provided
25 pursuant to subsection D of this section, the director may, in cooperation
26 with the department of health services, MAY provide to prisoners WHO ARE
27 INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS psychiatric care and
28 treatment pursuant to sections 31-226 and 31-226.01.

29 C. The director may institute and pursue programs which THAT promote
30 the rehabilitation of the prisoners in the director's charge.

31 D. The director shall provide medical and health services for the
32 prisoners WHO ARE INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS. The
33 director may contract for professional services to assist the director in
34 carrying out this responsibility on behalf of the state, ~~provided~~ EXCEPT that
35 all records made and retained in connection with the services provided by
36 this subsection shall be made and retained only by duly authorized or
37 qualified medical and professional personnel and not by any prisoner. Such
38 records when not in use shall be retained in a safe and secure place.

39 E. If a victim of a person for whom a cost of incarceration has been
40 calculated notifies the state that full restitution has not been made by the
41 person for whom a cost of incarceration has been calculated, the state shall
42 interplead with the superior court the disputed amount and set off the
43 amounts owed the state from the remaining obligation.

1 F. Any and all causes of action ~~which~~ THAT may arise out of tort
2 caused by the director, prison officers or employees of the department,
3 within the scope of their legal duty, shall run only against the state.

4 G. The director shall establish by rule reasonable medical and health
5 ~~service~~ SERVICES fees for the medical and health services that are provided
6 pursuant to subsection D of this section. Except as provided in subsection I
7 of this section, every inmate shall be charged a reasonable medical and
8 health services fee for each medical visit an inmate makes pursuant to a
9 health needs request form or for emergency treatment.

10 H. Except as provided in subsection I of this section, the director
11 may charge each inmate a reasonable fee for prescriptions, ~~medication~~
12 MEDICATIONS or prosthetic devices.

13 I. The director shall exempt the following inmates or medical visits
14 by inmates from payment of medical and health services fees and fees for
15 prescriptions, ~~medication~~ MEDICATIONS or prosthetic devices:

16 1. Medical visits initiated by the medical or mental health staff of
17 the department.

18 2. Medical visits to a physician by inmates who are referred by a
19 physician assistant or nurse practitioner.

20 3. Inmates at reception centers.

21 4. Juvenile inmates.

22 5. Pregnant inmates.

23 6. Seriously mentally ill inmates. For the purposes of this
24 paragraph, "seriously mentally ill inmates" means inmates who as a result of
25 a mental disorder as defined in section 36-501 exhibit emotional or
26 behavioral functioning ~~which~~ THAT is so impaired as to interfere
27 substantially with their capacity to remain in the general prison population
28 without supportive treatment or services of a long-term or indefinite
29 duration and whose mental disability is severe and persistent, resulting in a
30 long-term limitation of their functional capacities for primary activities of
31 daily living, including interpersonal relationships, self-care, employment
32 and recreation.

33 7. Developmentally disabled inmates who are housed in a special
34 programs unit.

35 8. Inmates who are housed in unit 8 at the Florence prison facility.

36 9. Inmates who are inpatients at the Alhambra prison facility special
37 programs psychiatric hospital.

38 10. Inmates who are inpatients at the Flamenco prison facility mental
39 health treatment unit.

40 11. Inmates who are undergoing administrative physical examinations for
41 statewide driver status and fire fighting crews.

42 12. Inmates who are undergoing follow-up medical treatment for chronic
43 diseases.

44 J. An inmate shall not be refused medical treatment for financial
45 reasons.

1 K. All monies received by the department for medical and health
2 service SERVICES fees shall be deposited in the STATE general fund.

3 L. A person who is convicted of a felony offense and who is
4 incarcerated while awaiting sentence or while serving a sentence imposed by a
5 court of law may not bring a cause of action seeking damages or equitable
6 relief from the state or its political subdivisions, agencies, officers or
7 employees for injuries suffered while in the custody of the state or its
8 political subdivisions or agencies unless the complaint alleges specific
9 facts from which the court may conclude that the plaintiff suffered serious
10 physical injury or the claim is authorized by a federal statute.

11 M. The director shall establish criteria for reasonable deductions
12 from monies credited to the prisoner's spendable account to repay the cost
13 of:

14 1. State property that the inmate wilfully damages or destroys during
15 the inmate's incarceration.

16 2. Medical treatment for injuries that the inmate inflicts on himself
17 or others.

18 3. Searching for and apprehending an inmate who escapes or attempts to
19 escape.

20 4. Quelling a riot or other disturbance in which the inmate is
21 unlawfully involved.

22 N. For THE purposes of this section:

23 1. "Reasonable fee" means an amount not to exceed five dollars.

24 2. "Serious physical injury" means an impairment of physical condition
25 that creates a substantial risk of death or that causes serious
26 disfigurement, prolonged impairment of health or prolonged loss or impairment
27 of the function of any bodily organ.

28 Sec. 11. Section 31-230, Arizona Revised Statutes, is amended to read:

29 31-230. Prisoner spendable accounts; fees

30 A. The director shall establish a prisoner spendable account for each
31 prisoner. All monies that are received by a prisoner and that are not
32 required to be deposited in another account shall be deposited in the
33 prisoner's spendable account.

34 B. The director shall adopt rules for the disbursement of monies from
35 prisoner spendable accounts.

36 C. If the court has ordered the prisoner to pay restitution pursuant
37 to section 13-603, the director shall withdraw a minimum of twenty per cent,
38 or the balance owing on the restitution amount, up to a maximum of fifty per
39 cent of the monies available in the prisoner's spendable account each month
40 to pay the court ordered restitution.

41 D. THE DIRECTOR MAY ESTABLISH BY RULE A FEE FOR ANY DEPOSITS MADE TO A
42 PRISONER SPENDABLE ACCOUNT. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS
43 35-146 AND 35-147, ANY MONIES COLLECTED PURSUANT TO THIS SUBSECTION IN THE
44 DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION
45 41-797.

1 Sec. 12. Section 41-191.09, Arizona Revised Statutes, is amended to
2 read:

3 41-191.09. Attorney general legal services cost allocation
4 fund; contributions; exemptions

5 A. The attorney general legal services cost allocation fund is
6 established for the purpose of reimbursing the department of law for general
7 agency counsel. Monies in the fund are subject to legislative appropriation.
8 The attorney general shall administer the fund.

9 B. ~~Beginning July 1, 2006,~~ All state agency appropriated and
10 nonappropriated funds shall contribute a pro rata share of general agency
11 counsel services provided by the department of law. The pro rata share is
12 payable by payroll fund source, and the resultant amount shall be deposited
13 in the attorney general legal services cost allocation fund. ~~Beginning~~
14 ~~July 1, 2007,~~ The pro rata share for each fund shall be 0.675 per cent of the
15 total payroll. For the purposes of this subsection, "total payroll" includes
16 federal monies, state general fund monies, special revenue funds,
17 intergovernmental revenue monies, trust funds and other payroll fund sources.

18 C. A claim for the pro rata share percentage payment shall be
19 submitted according to the fund source, with the accompanying payroll, to the
20 department of administration for deposit in the attorney general legal
21 services cost allocation fund.

22 D. The following agencies are exempt from this section:

- 23 1. The department of water resources.
- 24 2. The residential utility consumer office.
- 25 3. The industrial commission.
- 26 4. The universities and the Arizona board of regents.
- 27 5. The auditor general.
- 28 6. The corporation commission.
- 29 7. The office of the governor.
- 30 8. The department of law.
- 31 9. The house of representatives.
- 32 10. The senate.
- 33 11. The joint legislative budget committee.
- 34 12. The Arizona state library, archives and public records.
- 35 13. The legislative council.
- 36 14. The department of administration risk management fund.
- 37 15. The department of transportation.
- 38 16. The Arizona game and fish department.
- 39 17. The department of economic security.
- 40 18. The Arizona health care cost containment system.
- 41 19. The superior court.
- 42 20. The court of appeals.
- 43 21. The supreme court.

1 22. The Arizona department of agriculture and councils that receive
2 administrative and budgetary services from the Arizona department of
3 agriculture.

4 23. All self-supporting regulatory agencies as determined pursuant to
5 section 35-143.01.

6 24. THE STATE CAPITAL POSTCONVICTION PUBLIC DEFENDER OFFICE.

7 E. Monies in the attorney general legal services cost allocation fund
8 are exempt from lapsing to the state general fund at the end of each fiscal
9 year.

10 Sec. 13. Title 41, chapter 4, article 7, Arizona Revised Statutes, is
11 amended by adding section 41-797, to read:

12 41-797. Department of corrections building renewal fund

13 A. THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND IS ESTABLISHED
14 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 31-230, SECTION 41-1604,
15 SUBSECTION B, PARAGRAPH 3 AND SECTIONS 41-1604.02, 41-1604.03 AND 41-1624.
16 THE DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE SUBJECT TO
17 LEGISLATIVE APPROPRIATION AND ARE EXEMPT FROM THE PROVISIONS OF SECTION
18 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

19 B. THE DIRECTOR SHALL USE THE MONIES IN THE FUND FOR BUILDING RENEWAL
20 PROJECTS THAT REPAIR OR REWORK BUILDINGS AND SUPPORTING INFRASTRUCTURE THAT
21 ARE UNDER THE CONTROL OF THE STATE DEPARTMENT OF CORRECTIONS AND THAT RESULT
22 IN MAINTAINING A BUILDING'S EXPECTED USEFUL LIFE. MONIES IN THE FUND MAY NOT
23 BE USED FOR NEW BUILDING ADDITIONS, NEW INFRASTRUCTURE ADDITIONS, LANDSCAPING
24 AND AREA BEAUTIFICATION, DEMOLITION AND REMOVAL OF A BUILDING AND, EXCEPT AS
25 PROVIDED IN SUBSECTION C OF THIS SECTION, ROUTINE PREVENTIVE MAINTENANCE.

26 C. THE DIRECTOR MAY USE UP TO EIGHT PER CENT OF THE ANNUAL
27 EXPENDITURES FROM THE FUND FOR ROUTINE PREVENTIVE MAINTENANCE.

28 Sec. 14. Section 41-1604, Arizona Revised Statutes, is amended to
29 read:

30 41-1604. Duties and powers of director

31 A. The director shall:

32 1. Be responsible for the overall operations and policies of the
33 department.

34 2. Maintain and administer all institutions and programs within the
35 department, including prisons, reception and diagnostic centers, conservation
36 camps, community correctional centers and such other facilities and programs
37 as may be required and established for the custody, control, correction,
38 treatment and rehabilitation of all adult offenders who are committed to the
39 department.

40 3. Be responsible for the administration and execution of all
41 community supervision services, including those for adult offenders who are
42 released in accordance with law.

43 4. Develop a program to provide uniform statewide community
44 supervision field services in this state and employ parole or community
45 supervision officers based on qualifications prescribed by the director,

1 including physical, psychological and educational qualifications and
2 practical experience.

3 5. Be responsible for the development of policies and programs that
4 shall be recommended to the governor and the legislature for the purpose of
5 improving the various adult correctional programs of this state.

6 6. Develop and establish a uniform statewide method of reporting
7 statistics as related to this chapter.

8 7. Employ deputy directors and other key personnel based on
9 qualifications prescribed by the director that require education and
10 practical experience.

11 8. Adopt rules pursuant to chapter 6 of this title for the development
12 of incentives to encourage good behavior and the faithful performance of work
13 by prisoners.

14 9. Adopt rules pursuant to chapter 6 of this title to limit inmate
15 access to the internet through the use of a computer, computer system,
16 network, computer service provider or remote computing service.

17 10. Cooperate with the Arizona-Mexico commission in the governor's
18 office and with researchers at universities in this state to collect data and
19 conduct projects in the United States and Mexico on issues that are within
20 the scope of the department's duties and that relate to quality of life,
21 trade and economic development in this state in a manner that will help the
22 Arizona-Mexico commission to assess and enhance the economic competitiveness
23 of this state and of the Arizona-Mexico region.

24 B. The director may:

25 1. Adopt rules to implement the purposes of the department and the
26 duties and powers of the director.

27 2. Take any administrative action to improve the efficiency of the
28 department, including the following:

29 (a) Create new divisions or units or consolidate divisions or units.

30 (b) Transfer employees between the various divisions and units of the
31 department.

32 (c) Shift duties between divisions or units.

33 (d) Delegate to appropriate personnel the administrative functions,
34 powers or duties that the director believes can be competently, efficiently
35 and properly performed. The director shall not delegate the responsibilities
36 in subsection A, paragraphs 1 and 5 of this section.

37 (e) Transfer adult inmates between adult institutions or adult
38 facilities.

39 (f) Authorize work crews to perform acceptable tasks in any part of
40 the state.

41 (g) Accept unconvicted persons pursuant to a court order for purposes
42 of examination and treatment regarding competency to understand any stage of
43 a criminal proceeding after indictment or information or their ability to
44 assist in their own defense.

1 (h) Accept convicted yet unsentenced persons pursuant to a court order
2 for purposes of conducting a mental health examination or a diagnostic
3 evaluation.

4 (i) Appoint certain employees of the department to peace officer
5 status for purposes of guarding, transporting or pursuing persons who are
6 under the jurisdiction of the department and appoint certain employees of the
7 department to peace officer status for purposes of investigating or arresting
8 persons who commit or attempt to commit offenses directly relating to the
9 operations of the department. Peace officers of the department shall not
10 preempt the authority and jurisdiction of established agencies of this state
11 and political subdivisions of this state. Such officers shall notify
12 agencies of this state and political subdivisions of this state before
13 conducting an investigation within the jurisdiction of the agency and before
14 making an arrest within the jurisdiction of the agency and shall ask, except
15 in an emergency, if the agency wishes to participate, perform the
16 investigation or arrest the person to be arrested before proceeding.
17 Personnel who are appointed as peace officers by the director shall have the
18 minimum qualifications established for peace officers pursuant to section
19 41-1822. Personnel who are appointed by the director pursuant to this
20 subdivision are not eligible to participate in the public safety personnel
21 retirement system except as otherwise provided in title 38, chapter 5,
22 article 4.

23 (j) Operate travel reduction programs that are subsidized by the
24 department for employees who commute between work and home by vanpools,
25 carpools and buses or in vehicles that are purchased or leased by the
26 department.

27 3. ESTABLISH BY RULE A ONE-TIME FEE FOR CONDUCTING BACKGROUND CHECKS
28 ON ANY PERSON WHO ENTERS A DEPARTMENT FACILITY TO VISIT A PRISONER. A FEE
29 SHALL NOT BE CHARGED FOR A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE. THE
30 DIRECTOR MAY ADOPT RULES THAT WAIVE ALL OR PART OF THE FEE. THE DIRECTOR
31 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ANY MONIES COLLECTED
32 PURSUANT TO THIS PARAGRAPH IN THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL
33 FUND ESTABLISHED BY SECTION 41-797.

34 Sec. 15. Section 41-1604.02, Arizona Revised Statutes, is amended to
35 read:

36 41-1604.02. Inmate stores; establishment; privatization;
37 prices; goods; inmate store proceeds fund

38 The department may establish and maintain an inmate store at any
39 prison, institution or facility. The department shall enter into a contract
40 or contracts with a private entity or entities to establish and maintain
41 inmate stores. The department or Arizona correctional industries may also be
42 considered as an entity eligible for award. Such inmate stores shall offer
43 for sale, at prices THAT ARE fixed by the contractor with direction from the
44 director AND that are no higher than prices of similar retail products,
45 toilet articles, candy, tobacco products, notions and other sundries to the

persons confined. The department may provide the facilities necessary to operate such inmate stores. All profit derived from the state's portion of privatization of such inmate stores shall be deposited in an inmate store proceeds fund. THE DIRECTOR SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS FROM THE INMATE STORE PROCEEDS FUND ANNUALLY TO THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797. ANY REMAINING monies in the fund may be used at the director's discretion for inmate activities, incentive pay increases for corrections officers, equipment to enhance safety for both department personnel and inmates or other official needs as required.

Sec. 16. Section 41-1604.03, Arizona Revised Statutes, is amended to read:

41-1604.03. Special services fund; uses; report

A. A special services fund is established in the state department of corrections. The department shall administer the fund.

B. THE DIRECTOR SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS FROM THE SPECIAL SERVICES FUND ANNUALLY TO THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION 41-797. ANY REMAINING MONIES IN the special services fund, including the inmate recreation fund, may be used for the following purposes:

1. The benefit, education and welfare of committed offenders, including the establishment, maintenance, purchase of items for resale and other necessary expenses of operation of canteens and hobby shops.

2. To pay the costs of a telephonic victim notification system. Revenues that are generated by the inmate telephone system and the automated public access program shall be deposited in the special services fund.

C. On or before August 1 of each year, the department shall submit to the president of the senate and the speaker of the house of representatives a report that contains a full and complete account of special services fund transactions relating to the inmate telephone system and the telephonic victim notification system for the preceding fiscal year.

Sec. 17. Title 41, chapter 11, article 1, Arizona Revised Statutes, is amended by adding section 41-1610.02, to read:

41-1610.02. Correctional reimbursement; counties

A. THE STATE TREASURER SHALL DEPOSIT MONIES RECEIVED FROM A COUNTY FOR THE COSTS OF INCARCERATING A PERSON IN THE STATE DEPARTMENT OF CORRECTIONS WHO OTHERWISE WOULD BE INCARCERATED IN JAIL PURSUANT TO SECTION 5-396, SUBSECTION C OR D, SECTION 13-701, SUBSECTION J, SECTION 28-1383, SUBSECTION D OR E OR SECTION 28-8288 IN THE STATE GENERAL FUND.

B. THE SHERIFF OF A SENTENCING COUNTY SHALL ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE DEPARTMENT AT LEAST ONE MONTH BEFORE A PERSON IS TRANSFERRED INTO THE CUSTODY OF THE DEPARTMENT TO SERVE THE PERSON'S INCARCERATION. THE SHERIFF OF A SENTENCING COUNTY SHALL NOT CANCEL AN AGREEMENT MADE PURSUANT TO THIS SUBSECTION BEFORE PROVIDING THE STATE DEPARTMENT OF CORRECTIONS AT LEAST ONE MONTH'S NOTICE.

1 C. EACH COUNTY SHALL MAKE REIMBURSEMENTS PERMITTED BY THIS SECTION
2 WITHIN THIRTY DAYS AFTER A REQUEST BY THE STATE DEPARTMENT OF CORRECTIONS.
3 IF THE COUNTY DOES NOT MAKE THE REIMBURSEMENT, THE DIRECTOR OF THE STATE
4 DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE STATE TREASURER OF THE AMOUNT OWED
5 AND THE STATE TREASURER SHALL WITHHOLD THE AMOUNT, INCLUDING ANY ADDITIONAL
6 INTEREST AS PROVIDED IN SECTION 42-1123, FROM ANY TRANSACTION PRIVILEGE TAX
7 DISTRIBUTIONS TO THE COUNTY. THE STATE TREASURER SHALL DEPOSIT THE
8 WITHHOLDINGS, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL
9 FUND.

10 Sec. 18. Section 41-1624, Arizona Revised Statutes, is amended to
11 read:

12 41-1624. Arizona correctional industries revolving fund:
13 definitions

14 A. The director may establish a revolving fund to be used to pay the
15 expenses required:

16 1. For the purchase of raw materials, components and supplies to be
17 used for the production of food and other items to be sold by the
18 department's Arizona correctional industries.

19 2. For the compensation of prisoners and Arizona correctional
20 industries professional and outside services.

21 3. For the purchase or rental of equipment to be used by the
22 department's Arizona correctional industries.

23 4. For the construction or reconstruction of facilities.

24 5. For other operating expenses and in-state travel.

25 6. For the purchase of workers' compensation insurance for inmates who
26 are employed in a federally certified prison industry enhancement program
27 pursuant to section 41-1674.

28 7. For prisoner instruction related to vocational education, job
29 training, parenting and alcohol and other drug use treatment classes.

30 B. Monies received for or derived from the operation of Arizona
31 correctional industries, including monies from the sale of obsolete or
32 unneeded material, supplies, equipment or property, shall be deposited,
33 pursuant to sections 35-146 and 35-147, in a specially designated revolving
34 fund and expended without need of previous encumbrance upon warrants drawn
35 upon order of the director or the director's designee. The fund is a
36 continuing fund and is exempt from the provisions of section 35-190. THE
37 DIRECTOR SHALL TRANSFER ONE MILLION DOLLARS FROM THE REVOLVING FUND ANNUALLY
38 TO THE DEPARTMENT OF CORRECTIONS BUILDING RENEWAL FUND ESTABLISHED BY SECTION
39 41-797.

40 C. On notice from the director, the state treasurer shall invest and
41 divest monies in the fund as provided by section 35-313, and monies earned
42 from investment shall be credited to the fund.

43 D. For the purposes of this section:

44 1. "Components" means the parts, subassemblies and packaging materials
45 that will become part of a final product or service.

2. "Raw materials" means the materials that are converted or combined during the manufacturing process.

Sec. 19. Section 41-1723, Arizona Revised Statutes, is amended to read:

41-1723. Public safety equipment fund; distribution

The public safety equipment fund is established consisting of monies deposited in the fund pursuant to sections 5-395.01, 5-396, 5-397, 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 and 28-8288. The department shall administer the fund. Monies in the fund shall be distributed as follows:

1. The first one million two hundred thousand dollars received each fiscal year as a continuing appropriation to the department for VEHICLES, protective armor, electronic stun devices and other safety equipment. Monies appropriated pursuant to this paragraph are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

2. All other monies each fiscal year shall be deposited in the state general fund.

Sec. 20. Section 41-1724, Arizona Revised Statutes, is amended to read:

41-1724. Gang and immigration intelligence team enforcement mission fund; use of monies; reporting requirement

A. The gang and immigration intelligence team enforcement mission fund is established consisting of monies deposited pursuant to section 11-1051 and monies appropriated by the legislature. The department shall administer the fund. ANY MONIES DISTRIBUTED FROM THE FUND TO A COUNTY SHERIFF SHALL GO DIRECTLY TO THE COUNTY SHERIFF AND ARE NOT SUBJECT TO ANY FORM OF APPROVAL BY THE BOARD OF SUPERVISORS. Monies in the fund are subject to legislative appropriation. ~~and~~

B. MONIES IN THE FUND shall be used for EMPLOYER SANCTIONS ENFORCEMENT, ENFORCING HUMAN SMUGGLING AND DRUG SMUGGLING LAWS, gang and STRICT immigration enforcement ~~and for~~, INCLUDING BORDER SECURITY AND BORDER PERSONNEL, county jail reimbursement costs relating to illegal immigration AND ANY OTHER USE PREVIOUSLY AUTHORIZED IN AN ALLOCATION MADE BY LAW FOR THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION.

C. EACH YEAR THAT MONIES ARE AVAILABLE IN THE FUND THE FIRST ONE MILLION SIX HUNDRED THOUSAND DOLLARS SHALL BE ALLOCATED TO A COUNTY SHERIFF OF A COUNTY WITH A POPULATION OF MORE THAN THREE MILLION PERSONS, THEN FIVE HUNDRED THOUSAND DOLLARS SHALL BE ALLOCATED TO A COUNTY SHERIFF OF A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS BUT MORE THAN THREE HUNDRED THOUSAND PERSONS AND ANY REMAINING MONIES SHALL BE USED FOR AGREEMENTS OR CONTRACTS IN ACCORDANCE WITH SUBSECTION D OF THIS SECTION.

D. IF THE DEPARTMENT USES MONIES FROM THE FUND FOR AN AGREEMENT OR CONTRACT WITH A CITY, TOWN, COUNTY OR OTHER ENTITY TO PROVIDE SERVICES FOR THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION, THE CITY, TOWN, COUNTY OR OTHER ENTITY SHALL PROVIDE NOT LESS THAN TWENTY-FIVE PER CENT

1 OF THE COST OF THE SERVICES AND THE DEPARTMENT SHALL PROVIDE NOT MORE THAN
2 SEVENTY-FIVE PER CENT OF PERSONAL SERVICES AND EMPLOYEE RELATED EXPENDITURES
3 FOR EACH AGREEMENT OR CONTRACT BUT MAY FUND ALL CAPITAL RELATED EQUIPMENT.
4 THIS SUBSECTION DOES NOT APPLY TO A COUNTY WITH A POPULATION OF MORE THAN
5 THREE MILLION PERSONS OR A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED
6 THOUSAND PERSONS BUT MORE THAN THREE HUNDRED THOUSAND PERSONS.

7 E. A COUNTY OFFICIAL IN A COUNTY WITH A POPULATION OF MORE THAN FIVE
8 HUNDRED THOUSAND PERSONS BUT LESS THAN TWO MILLION PERSONS SHALL NOT RECEIVE
9 ANY MONIES FROM THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT
10 MISSION FUND.

11 F. A LAW ENFORCEMENT AGENCY SHALL NOT RECEIVE ANY MONIES FROM THE FUND
12 UNLESS THE LAW ENFORCEMENT AGENCY CERTIFIES EACH FISCAL YEAR IN WRITING TO
13 THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY THAT THE LAW ENFORCEMENT
14 AGENCY IS COMPLYING WITH SECTION 11-1051 TO THE FULLEST EXTENT ALLOWED BY
15 LAW.

16 G. THE DEPARTMENT SHALL SUBMIT AN EXPENDITURE PLAN TO THE JOINT
17 LEGISLATIVE BUDGET COMMITTEE FOR REVIEW BEFORE EXPENDING ANY MONIES NOT
18 IDENTIFIED IN THE DEPARTMENT'S PREVIOUS EXPENDITURE PLANS. WITHIN THIRTY
19 DAYS AFTER THE LAST DAY OF EACH CALENDAR QUARTER, THE DEPARTMENT SHALL
20 PROVIDE A SUMMARY OF QUARTERLY AND YEAR-TO-DATE EXPENDITURES AND PROGRESS TO
21 THE JOINT LEGISLATIVE BUDGET COMMITTEE, INCLUDING ANY PRIOR YEAR
22 APPROPRIATIONS THAT WERE NONLAPSING.

23 Sec. 21. Laws 2007, chapter 261, section 16, as amended by Laws 2009,
24 third special session, chapter 6, section 21 and Laws 2010, seventh special
25 session, chapter 6, section 24, is amended to read:

26 Sec. 16. Appropriations: deoxyribonucleic acid identification
27 system fund: exemption

28 A. The sums of \$1,980,000 in fiscal year 2007-2008, \$2,980,000 in
29 fiscal year 2008-2009, \$980,000 in fiscal year 2009-2010, \$980,000 in fiscal
30 year 2010-2011 and ~~\$3,520,000~~ \$980,000 in fiscal year 2011-2012 are
31 appropriated from the monies that are collected pursuant to section
32 12-116.01, subsection C, Arizona Revised Statutes, and that are distributed
33 pursuant to section 12-116.01, subsection J, Arizona Revised Statutes, for
34 deposit in the Arizona deoxyribonucleic acid identification system fund
35 established by section 41-2419, Arizona Revised Statutes, to the department
36 of public safety for equipment purchases, personal services, employee-related
37 expenses, training, other operating expenses and capital improvements in
38 order to implement, conduct and maintain deoxyribonucleic acid testing.

39 B. The appropriations made in subsection A of this section shall come
40 from the additional four per cent penalty assessment that is collected and
41 distributed pursuant to the penalty assessment increase from three per cent
42 to seven per cent in section 12-116.01, subsections C and J, Arizona Revised
43 Statutes, as amended by Laws 2007, chapter 261, section 1.

1 C. The appropriation made in subsection A of this section in fiscal
2 year 2007-2008 is exempt from the provisions of section 35-190, Arizona
3 Revised Statutes, relating to lapsing of appropriations.

4 Sec. 22. State department of corrections; budget structure

5 Notwithstanding any other law, the state department of corrections
6 shall report actual fiscal year 2010-2011, estimated fiscal year 2011-2012
7 and requested fiscal year 2012-2013 expenditures in the same structure and
8 detail as the prior fiscal year when the department submits the fiscal year
9 2012-2013 budget request pursuant to section 35-113, Arizona Revised
10 Statutes. The information submitted for each line item shall contain as much
11 detail as submitted in previous years for prior line items.

12 Sec. 23. Department of public safety; highway funds; limitation

13 Notwithstanding sections 28-6537 and 28-6993, Arizona Revised Statutes,
14 the statutory caps and transfers of highway user revenue fund monies and
15 state highway fund monies available to fund department of public safety
16 highway patrol costs are suspended for fiscal year 2011-2012.

17 Sec. 24. Suspension of reporting requirements

18 Notwithstanding any other law, the reporting requirements contained in
19 the following sections are suspended for fiscal year 2011-2012:

20 1. Section 8-358, subsection B, Arizona Revised Statutes, relating to
21 the annual juvenile intensive probation report.

22 2. Section 12-299.03, subsection A, paragraph 8, Arizona Revised
23 Statutes, relating to the evaluation of the community punishment program.

24 3. Section 12-2456, Arizona Revised Statutes, relating to a report of
25 information regarding the emancipation of minors.

26 4. Section 13-901.02, subsection D, Arizona Revised Statutes, relating
27 to the annual drug treatment and education fund report card.

28 5. Section 21-222, subsection F, Arizona Revised Statutes, relating to
29 the annual lengthy trial fund report.

30 6. Section 25-323.01, subsection B, Arizona Revised Statutes, relating
31 to the annual child support committee report.

32 7. Section 25-323.02, subsection C, Arizona Revised Statutes, relating
33 to the annual domestic relations committee report.

34 Sec. 25. Nonsupplanting; suspension

35 Notwithstanding any other law, in fiscal year 2011-2012 the provisions
36 relating to supplanting of state monies contained in section 12-102.02,
37 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,
38 section 12-135.01, subsection D, section 12-267, subsection D, section
39 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised
40 Statutes, are suspended. The supreme court shall submit a report to the
41 joint legislative budget committee identifying any decrease in county funding
42 related to these suspended provisions, including the reasons for the
43 decrease.

1 Sec. 26. Board of executive clemency; part-time status

2 Notwithstanding any other law, in fiscal year 2011-2012, the members of
3 the board of executive clemency, excluding the chairman, shall serve on a
4 part-time basis. A part-time board member shall not work more than thirty
5 hours each week and shall not be eligible for paid leave or any benefits
6 provided to state employees pursuant to section 38-651, Arizona Revised
7 Statutes.

8 Sec. 27. Arizona supreme court; county reimbursement

9 Notwithstanding section 13-4041, subsection H, Arizona Revised
10 Statutes, and section 21-428, subsection B, Arizona Revised Statutes, the
11 Arizona supreme court shall not reimburse the counties more than the amount
12 appropriated for that purpose in the fiscal year 2011-2012 general
13 appropriations act.

14 Sec. 28. Prisoners who are serving a sentence of one year or
15 less; county expense

16 A. Beginning July 1, 2012, the sentencing county shall reimburse the
17 state department of corrections at a rate to be determined by the department
18 for each remaining day of incarceration in the state department of
19 corrections for any prisoner who was sentenced to one year or less in the
20 state department of corrections before July 1, 2012.

21 B. Each county shall make the reimbursements for these costs as
22 specified in subsection A of this section within thirty days after a request
23 by the state department of corrections. If the county does not make the
24 reimbursement, the director of the state department of corrections shall
25 notify the state treasurer of the amount owed and the treasurer shall
26 withhold the amount, including any additional interest as provided in section
27 42-1123, Arizona Revised Statutes, from any transaction privilege tax
28 distributions to the county. The treasurer shall deposit the withholdings,
29 pursuant to sections 35-146 and 35-147, Arizona Revised Statutes, in the
30 state general fund.

31 Sec. 29. County notification of incarceration location; state
32 department of corrections report

33 A. On or before December 31, 2011, the state department of corrections
34 shall submit to the joint legislative budget committee the department's
35 proposed schedule of charges to the counties for incarceration costs in
36 reimbursement agreements pursuant to section 41-1610.02, Arizona Revised
37 Statutes, as added by this act, and section 28 of this act.

38 B. Notwithstanding section 41-1610.02, Arizona Revised Statutes, as
39 added by this act, the sheriff of a sentencing county shall notify the state
40 department of corrections by February 1, 2012 if the sheriff does not intend
41 to enter into an agreement with the state department of corrections to
42 incarcerate in prison any person who is convicted pursuant to section 5-396,
43 subsection C or D, section 13-701, subsection J, section 28-1383, subsection
44 D or E or section 28-8288, Arizona Revised Statutes, on July 1, 2012.

1 C. The state department of corrections shall present its plan on
2 state-operated prison beds to the joint legislative budget committee for its
3 review on or before March 1, 2012. If there is a sufficient number of
4 persons convicted as outlined in subsection A of this section who are
5 incarcerated in jails, the state department of corrections shall begin
6 closing state-operated prison beds by no later than July 1, 2012. The plan
7 shall be based on how many persons convicted as outlined in subsection A of
8 this section will be incarcerated in jails. The plan also shall include an
9 estimate of bed closure savings in fiscal year 2012-2013 along with an
10 estimate of marginal cost savings to the department associated with counties
11 incarcerating persons convicted as outlined in subsection A of this section
12 in fiscal year 2012-2013.

13 Sec. 30. State department of corrections; use of funds;
14 permission

15 Notwithstanding any other law, the state department of corrections is
16 permitted to use monies from any of the following funds for department
17 operating expenses in fiscal year 2011-2012:

18 1. The transition program fund established by section 31-284, Arizona
19 Revised Statutes.

20 2. The transition services fund established by section 31-286, Arizona
21 Revised Statutes.

22 3. The state department of corrections interagency service agreement
23 fund.

24 Sec. 31. Collection enforcement revolving fund; disposition of
25 monies

26 Notwithstanding section 41-191.03, subsection E, Arizona Revised
27 Statutes, any monies remaining in the collection enforcement revolving fund
28 at the end of fiscal year 2011-2012 in excess of five hundred thousand
29 dollars shall be distributed on a pro rata basis to the funds receiving
30 monies pursuant to section 41-191.03, subsection D, Arizona Revised Statutes.
31 Such distribution shall be based on the percentage that the collections
32 deposited in each fund bear to the total amount deposited into the funds
33 during fiscal year 2011-2012.

34 Sec. 32. Effective date

35 Sections 5-396, 13-701, 28-1383, 28-8288 and 31-201.01, Arizona Revised
36 Statutes, as amended by this act, and sections 31-133 and 41-1610.02, Arizona
37 Revised Statutes, as added by this act, are effective from and after June 30,
38 2012.

APPROVED BY THE GOVERNOR APRIL 6, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2011.

Passed the House April 1, 20 11,

by the following vote: 37 Ayes,

22 Nays, 1 Not Voting

[Signature]
Speaker of the House
Cheryl Laube
Chief Clerk of the House

Passed the Senate March 16, 20 11,

by the following vote: 19 Ayes,

11 Nays, 0 Not Voting

[Signature]
President of the Senate
Chaimin Bellington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1621

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

Passed the House April 6, 2011

by the following vote: 36 Ayes,

22 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

ON RECONSIDERATION
S.B. 1621

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 1, 20 11

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of April, 20 11

at 5:30 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this _____ day of _____

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

S.B. 1621

(On reconsideration)
SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 6, 20 11

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

Russell Brown
President of the Senate

Channing Billings
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

6 day of April, 20 11

at 3:35 o'clock P. M.

Nicole Bendu
Secretary to the Governor

Approved this 6th day of

April

at 5:48 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of April, 20 11

ON RECONSIDERATION
S.B. 1621

at 2:06 o'clock P. M.

Ken Blum
Secretary of State